

COPY

William P. Callahan, Esq
Independent Investigator
New York City District Council of Carpenters
17 Battery Place, Suite 1226
New York, NY 10004
(212) 889-3000 – Fax (212) 889-3242
E-mail: unitel.group@gmail.com

DATE: September 28, 2006
TO: Honorable Charles S. Haight, Jr.
FR: William P. Callahan, Esq.
RE: Andrew Lee Memo – 9/11/06 (Donaldson Acoustics)

INVESTIGATIVE REPORT

Introduction

As you requested, I looked into the referenced matter concerning an anonymous call to your Chambers, on 9/11/06, from a carpenter in Local 45 concerning (1), alleged improper activities by [REDACTED] Local 45, to place [REDACTED] Local 45, into a long term job with [REDACTED] by moving him to the front of the Out of Work List; (2), [REDACTED] put his son to work at [REDACTED] and (3), the Independent Investigator was not doing a good job responding to complaints. Mr. Lee provided the undersigned with a memo of the call of the same date (Ex. A). The following report addresses the allegations and our findings concerning the facts therein.

Synopsis

Our investigation does not concur with the telephone complaint to your chambers on 9/11/06. In addition, the alleged complaint that “Mr. Callahan was not doing a good job responding to complaints” is factually without merit. All hotline calls or carpenter complaints from any carpenter are investigated in a timely manner and accorded the same unbiased

investigative approach in an attempt to establish the true facts from which reasonable conclusions can be drawn. It should be noted that our investigation began immediately after receipt of the call on 9/12/06, which was one day after the call to Chambers on 9/11/06.

I.I. Investigation

1.1 On 9/12/06, the Independent Investigator's Hotline was contacted by an anonymous caller. The caller alleged that [REDACTED] of Local 45 put member [REDACTED] of Local 45, as Shop Steward at a [REDACTED] jobsite at the Jet Blue Terminal #5, JFK airport¹. The position is a 2 ½ year job. The caller stated that he "knows [REDACTED] skipped the Out of Work List", because he ([REDACTED]) was working at a different jobsite the previous week. Also reported was that [REDACTED] placed his son on the same jobsite on 9/11/06. Attached is the I.I. Hotline call (Ex. B).

1.2 Upon receiving this complaint an investigation was initiated into this matter. Scott Danielson, supervisor of the District Council's Out of Work List, was contacted and records concerning the dispatch of [REDACTED] were requested, along with [REDACTED]'s recent work history; and, employment records for any member who is the son of [REDACTED]. Mr. Danielson provided a copy of the initial dispatch of [REDACTED] (Ex.C) on 8/25/06. The dispatch requires the member to have the following skills: a 10-hour OSHA certificate, knowledge of acoustic ceilings, drywall, heavy gauge framing, and a laser safety certificate (NYS DOL) & UBC-Construction Steward System. At the time of the request, [REDACTED] was on the Out of Work List and had the required skills. [REDACTED]'s recent work history (Ex. D) showed that he had placed himself on the Out of Work List on 8/16/06 and had been dispatched to a number of positions that had fit the work skills he listed. On 8/25/06, he left employment of a company he had previously been dispatched to and requested his name be placed back on the Out of Work List. Since he had been employed for less than the required 11 days, [REDACTED] was returned to the top on the list. This 11-day procedure is an acceptable rule of the Out of Work

List. He was dispatched on Friday, 8/25/06 to [REDACTED] with a starting date of Monday, 8/28/06.

1.3 On 9/13/06, the I.I. received in the mail Andrew Lee's Memo reporting the call to Your Honor's Chamber.

1.4 On 9/20/06, the I.I. and Investigator William J. O'Flaherty interviewed Local 45 [REDACTED] at the D.C.. [REDACTED] voluntarily stated that he had been contacted by [REDACTED] about hiring an additional carpenter for a position at their jobsite at the Jet Blue Terminal at JFK Airport. [REDACTED] and [REDACTED] discussed the skills the position would require and [REDACTED] submitted a formal request to the OWL to fill the position (Ex. E). [REDACTED] denied he had any discussion with [REDACTED] about this job prior to [REDACTED]'s dispatch to [REDACTED]. [REDACTED] said it was well known through out the local that positions were going to become available at the Jet Blue Terminal. Specifically asked by the I.I., [REDACTED] said he did not orchestrate the hiring of [REDACTED]. When asked if he had a son that was also employed at the same jobsite, [REDACTED] said that his son, [REDACTED], worked for [REDACTED]. Explaining that [REDACTED] had recently "shaped the job" (gone to the jobsite and requested employment) and was hired by [REDACTED]. [REDACTED] said he had no part in the employment of his son and had no conversations with [REDACTED] about the matter. (per Par. 1.8, *infra*, [REDACTED] stated he had no prior conversations with [REDACTED] as [REDACTED] shaped the job.)

1.5 On 9/21/06, Invest. O'Flaherty telephonically contacted [REDACTED] [REDACTED] to establish the reason [REDACTED] left their employment on 8/25/06. [REDACTED] stated that [REDACTED] was employed for one day. He was a hard worker and spent the day moving sheetrock. After completing the full days work, [REDACTED] contacted the company office with a voice message explaining, he couldn't work the night hours that the job required.

1.6 On 9/25/06, the I.I., Invest. O'Flaherty and Scott Danielson interviewed [REDACTED] at the D.C. [REDACTED] voluntarily stated that he had placed himself on the OWL on 8/16/06. He was

dispatched to a series of jobs that for different reasons he was not interested in continuing. On 8/24/06, he was dispatched to [REDACTED] (Ex. F). The job involved doing sheetrock work on high scaffolding. He said he was not interested in doing high work and decided not to return. After leaving this position, [REDACTED] placed himself back on the OWL and was dispatched routinely to [REDACTED]. [REDACTED] claimed that he had no conversations about this position with [REDACTED] prior to his dispatch. He said he would provide documentation of his job skills listed on the dispatch for OSHA and Laser qualifications (Ex.G). [REDACTED] denied having any part in [REDACTED] subsequent hiring at the jobsite. As far as he knew, [REDACTED] had shaped the job and was hired without any outside assistance.

1.7 On the same date, Invest. O'Flaherty telephonically contacted [REDACTED] [REDACTED]. [REDACTED] stated that he had contacted [REDACTED], during the week prior to 8/28/06, to discuss the hiring of a shop steward for the company jobsite at the Jet Blue Terminal. He and [REDACTED] talked about what skills were needed for the position and he then informed [REDACTED] to put in the request for a carpenter to start work on 8/28/06. He didn't know [REDACTED] and never had any conversations with [REDACTED] about [REDACTED], at any time. He further stated that he hired [REDACTED]'s son a week or two later. He stated [REDACTED] contacted him at his office and asked for a job. He did not personally know [REDACTED], but was made aware during the tel/conference that he had worked at the airport before. [REDACTED] had never approached [REDACTED] about hiring his son and he has never discussed this matter with [REDACTED] since. [REDACTED] commented to the I.I. investigator that [REDACTED] had recently missed a number of days work and he was contemplating firing him if he didn't get back to work soon.

1.8 On 9/29/06, the I.I. and Invest. O'Flaherty met with [REDACTED] at the Jet Blue Terminal construction site. The initial plan was to interview [REDACTED] at the location. [REDACTED], apologized for his son who had not reported to work that day. The I.I. re-interviewed [REDACTED] about his role in this investigation. No new information was revealed. [REDACTED] gave the I.I. a tour of the construction site. While at the location, the I.I. saw and met with [REDACTED]. Upon completion of the tour, the I.I. left the location.

1.9 Concerning [REDACTED]'s son, Scott Danielson provided District Counsel records (Ex.H) which identified a possible relative of [REDACTED] who is employed as a carpenter; [REDACTED]. [REDACTED] does not have an employment history with [REDACTED].

1.10 On 9/28/06, Invest. O'Flaherty, after attempting to meet with [REDACTED] in person on a number of occasions, contacted him telephonically. [REDACTED] voluntarily stated he was back to work at the [REDACTED] jobsite. He had been hired by [REDACTED] after he had shaped the job. When asked how he had accomplished that at the airport with security restricting most areas, he said that he was out of work and went to the airport in search of employment. He visited a number of work sites including [REDACTED]. He said he had no problem getting past security. At the [REDACTED] site, he approached a foreman he identified as [REDACTED] LNU. He told him that he was looking for work. [REDACTED] told him to call [REDACTED] office. When he called the office, he spoke with [REDACTED] and explained that he had worked at the airport in the past and was looking for work. Mr. [REDACTED] hired him. He never mentioned his father to Mr. [REDACTED] and has since never discussed his father with him.

It is the hope of the I.I. office that all concerns raised in the 9/11/06 telephone call to your Chambers have been answered to your satisfaction. Although appearances of the employment of two individuals closely associated with [REDACTED] of Local 45, seem to be too coincidental, our investigation has found that Out of Work List Rules were not compromised and no evidence of influence was uncovered by the I.I. investigation in the hiring of these two individuals. If there are any further questions on this matter please contact my office immediately so that they can be addressed.

End

CC: EDWARD SCARVALONE, AUSA

COPY

MEMORANDUM

TO: File

FROM: Andrew Lee

RE: September 11, 2006 phone call from carpenter

DATE: 9/11/06

On September 11, 2006, I received a phone call from a carpenter and member of Local 45. The caller said that Mr. Callahan was not doing a good job responding to complaints. The caller spoke with Mr. Mack, who said that the caller could contact the Judge's chambers directly with complaints.

In particular, the caller alleged that [REDACTED] of Local 45, put one of "his guys" – [REDACTED] (spelling?) – in charge of a 2-3 year project involving [REDACTED]. (The caller said that [REDACTED] is the shop steward and [REDACTED] of Local 45.) The caller said that [REDACTED] bumped [REDACTED] up on the list and gave him the project although his name was not in front. The caller said that [REDACTED]'s action was "too blatant" and that members aware of what had happened were angry (because they had to wait on the list while being passed over). The caller also said that [REDACTED] had put his son to work on [REDACTED]. The caller said that [REDACTED] "constantly" puts his people on jobs.

Ex. A

INDEPENDENT INVESTIGATOR

CASE REPORT	(20)-013-09/12/06	459
--------------------	--------------------------	-----

DATE:	9/12/2006	STATUS:	Pending
TIME:		TYPE OF CASE:	20 - Allegations against DC
PRIORITY:		RELATED CASE	
CALLER NAME:		Anonymous	
CALL BACK NUMBER:			

JOB LOCATION:	Terninal 5 JFK - Jet Blue
FLOOR:	
LOCAL:	

JOB CONTRACTOR:	
GENERAL CONTRACTOR:	
WORK TYPE:	
DATE JOB STARTED	
# OF PERSONS ON JOB:	
STEWARD NAME:	
FOREMAN NAME:	
BUSINESS AGENT NAME:	

COMPLAINT:
<p>Anonymous caller states that [redacted] for Local 45 put member [redacted] for Local 45, on the jobsite as SS. The jobsite is a 2.5 year job. Caller knows that [redacted] skipped the list because last week, he was working at another site. Caller also states that [redacted] put his son on the job yesterday (9/11/06). Caller states that he has called the judges chambers to notify him of the situation</p>

Ex. B

CASE NUMBER:	(20)-013-09/12/06
---------------------	-------------------

CASE REPORT**(20)-013-09/12/06**

459

REPORTED TO UNION: yes

UNIT:

REPORTED DATE:

UNION ID:

CALL TAKEN BY: DM

CLOSING REASON:

I.I. ACTION:

I.I. RESULT:

CASE NUMBER: (20)-013-09/12/06

United Brotherhood of Carpenters and Joiners of America
Referral/Dispatch Notice
New York City & Vicinity District Council
Issuing Affiliate - 4112

Local Nbr : UBC00045
Referred : August 25, 2006 01:26:09 PM
From List : 45 CARPENTERS QUEENS
Bus. Agent : Data is not available

MEMBER INFORMATION

Member ID :
Name :
Address : *****

Phone :
Class : Member - Regular
Skill : 10 HOUR OSHA CERTIFIED, ACOUSTICAL CEILINGS, DRYWALL, HEAVY
GAGE FRAMING, LASER SAFETY (NYS DOL), UBC-CONSTR STEWARD SYSTEM

JOB INFORMATION

Employer :
Phone :
Job ID : JET BLUE TERM 5
Job Name : Jet Blue Term 5 Jfk
Job Site : Term 5 Jfk Airport
Queens, NY
Sup/Foreman:
Steward :
Site Phone :
Site Fax :
Start Date : August 28, 2006 Time: 07:00 AM
Who Called :
Other Info :
DC06-10005017
MUST HAVE TWO FORMS OF ID

50/50 - UNION

ASSIGNED BUSINESS AGENT
TO THIS JOB SITE _____
BY: _____
BUSINESS MANAGER: _____
DATE _____

Ex. C

13-Sep-2006 United Brotherhood of Carpenters and Joiners of America Page 9
Work/Referral History

Aff ID	Date	Time	Member ID	Member Name	Activity	Employer ID
UBC04112	08/22/2006	08:49AM			CALLIN	
	Work List: Number: 0					
	Last Call In changed from 08/16/2006 to 08/22/2006 User: JSTEPHENS					
UBC04112	08/22/2006	08:49AM			HOLDCALL	
	Work List: Number: 0					
	Erased Hold Calls Dates User: JSTEPHENS					
UBC04112	08/22/2006	01:08PM			REFERRED	17689
	Work List: 45 CARP Number: 487 Start Dt: 08/23/2006 Tdays: 0					
	Referred / Accepted Referral User: AMARMOLEJOS					
UBC04112	08/23/2006	10:02AM			CALLIN	
	Work List: Number: 0					
	Last Call In changed from 08/22/2006 to 08/23/2006 User: YVILLARREAL					
UBC04112	08/23/2006	10:02AM			TEMPCOMP	
	Work List: 45 CARP Number: 436 Tdays: 1					
	Temp assignment complete -- back on out of work list User: YVILLARREAL					
UBC04112	08/23/2006	12:45PM			REFERRED	14734
	Work List: 45 CARP Number: 436 Start Dt: 08/24/2006 Tdays: 1					
	Referred / Accepted Referral User: AMARMOLEJOS					
UBC04112	08/24/2006	10:59AM			CALLIN	
	Work List: Number: 0					
	Last Call In changed from 08/23/2006 to 08/24/2006 User: JSTEPHENS					
UBC04112	08/24/2006	10:59AM			TEMPCOMP	
	Work List: 45 CARP Number: 387 Tdays: 2					
	Temp assignment complete -- back on out of work list User: JSTEPHENS					
UBC04112	08/24/2006	12:09PM			REFERRED	17962
	Work List: 45 CARP Number: 387 Start Dt: 08/25/2006 Tdays: 2					
	Referred / Accepted Referral User: WWEATHERS					
UBC04112	08/25/2006	09:35AM			CALLIN	
	Work List: Number: 0					
	Last Call In changed from 08/24/2006 to 08/25/2006 User: JSTEPHENS					
UBC04112	08/25/2006	09:35AM			TEMPCOMP	
	Work List: 45 CARP Number: 344 Tdays: 3					
	Temp assignment complete -- back on out of work list User: JSTEPHENS					
UBC04112	08/25/2006	01:26PM			REFERRED	2374
	Work List: 45 CARP Number: 345 Start Dt: 08/28/2006 Tdays: 3					
	Referred / Accepted Referral User: YVILLARREAL					
UBC04112	09/06/2006	08:53PM			DROPPED	
	Work List: 45 CARP Number: 217					
	Cum work days greater than temp days User:					
UBC04112	09/07/2006	08:58PM			SKILLDEL	
	Work List: Number: 0					
	Skill DELETE for steward made effective - CONCRETE User: SYSTEM					

Ex. D
2-pgs.

13-Sep-2006 United Brotherhood of Carpenters and Joiners of America Page 8
Work/Referral History

Aff ID	Date	Time	Member ID	Member Name	Activity	Employer ID
UBC04112	06/06/2006	06:59AM			CALLIN	
	Work List: Number: 0					
	Last Call In changed from 06/01/2006 to 06/06/2006 User: MCLARKE					
UBC04112	06/09/2006	08:39AM			CALLIN	
	Work List: Number: 0					
	Last Call In changed from 06/06/2006 to 06/09/2006 User: AMARMOLEJOS					
UBC04112	06/13/2006	06:34AM			CALLIN	
	Work List: Number: 0					
	Last Call In changed from 06/09/2006 to 06/13/2006 User: NBERSCAK					
UBC04112	06/14/2006	12:25PM			REFERRED	13917
	Work List: 45 CARP Number: 722 Start Dt: 06/15/2006 Tdays: 0					
	Referred / Accepted Referral User: WWEATHERS					
UBC04112	06/29/2006	08:54PM			DROPPED	
	Work List: 45 CARP Number: 531					
	Cum work days greater than temp days User:					
UBC04112	07/19/2006	12:46PM			CALLIN	
	Work List: Number: 0					
	Last Call In changed from 06/22/2006 to 07/19/2006 User: MDELEON					
UBC04112	07/19/2006	12:47PM			ADDLIST	
	Work List: 45 CARP Number: 1,115					
	Added to out of work list -- 45 CARP User: MDELEON					
UBC04112	07/19/2006	01:20PM			REFERRED	8032
	Work List: 45 CARP Number: 1,115 Start Dt: 07/20/2006 Tdays: 0					
	Referred / Accepted Referral User: WWEATHERS					
UBC04112	07/28/2006	06:12AM			CALLIN	
	Work List: Number: 0					
	Last Call In changed from 07/19/2006 to 07/28/2006 User: NBERSCAK					
UBC04112	07/28/2006	06:12AM			TEMPCOMP	
	Work List: 45 CARP Number: 859 Tdays: 7					
	Temp assignment complete -- back on out of work list User: NBERSCAK					
UBC04112	07/28/2006	06:13AM			SKILLDEL	
	Work List: Number: 0					
	Skill CONCRETE deleted. 30 day lag until effective. User: NBERSCAK					
UBC04112	07/28/2006	01:08PM			REFERRED	16604
	Work List: 45 CARP Number: 860 Start Dt: 07/31/2006 Tdays: 7					
	Referred / Accepted Referral User: JSTEPHENS					
UBC04112	08/03/2006	08:56PM			DROPPED	
	Work List: 45 CARP Number: 714					
	Cum work days greater than temp days User:					
UBC04112	08/08/2006	07:15AM			CALLIN	
	Work List: Number: 0					
	Last Call In changed from 07/26/2006 to 08/08/2006 User: MCLARKE					
UBC04112	08/08/2006	07:15AM			ADDLIST	
	Work List: 45 CARP Number: 994					
	Added to out of work list -- 45 CARP User: MCLARKE					
UBC04112	08/08/2006	10:56AM			HOLDCALL	
	Work List: Number: 0					
	Hold Calls Starting 08/08/2006 Ending 09/08/2006 User: MCLARKE					
UBC04112	08/15/2006	07:19AM			CALLIN	
	Work List: Number: 0					
	Last Call In changed from 08/08/2006 to 08/15/2006 User: AMARMOLEJOS					
UBC04112	08/16/2006	06:08AM			CALLIN	
	Work List: Number: 0					
	Last Call In changed from 08/15/2006 to 08/16/2006 User: MCLARKE					

329-0316

Dispatch Phone (212) 366-3320

MANNING REQUEST FORM

2374

☐ Immediate Dispatch

Reason: _____

☐ CONTRACTOR☒ LOCAL UNION

CALLER'S NAME: _____

NEW JOB START: ☒ YES ☐ NO

COMPANY NAME: _____

JOB NAME: 3 E1 BLUE - TERM 5 - JFKJOB ADDRESS: TERM 5 - JFK

JOB FLOOR: _____

JOB TELEPHONE NUMBER: _____

FOREMAN'S NAME: _____

JOB START DATE: 8/28/06START TIME: 7 AMSKILLS NEEDED FOR JOB: HEAVY GAUGE METAL FRAMING SHEETROCK
ACOUSTIC CEILING / LASER OSHA 10 HRHOW MANY JOURNEY PERSONS: 1 (ONE) CERTIFIED STEWARD

HOW MANY APPRENTICES AND WHAT YEAR: _____

SPECIAL INSTRUCTIONS: MUST HAVE 2 FORMS OF I.D.PHOTO & SS # CARD

DISTRICT COUNCIL USE ONLY

Date Entered: 8/25/06D.C. Operator: EH

DISTRICT COUNCIL USE ONLY

Job Number: DC 06-10065017
(YY - NNNNNNNN)

AUG 25 PM 4:26

COMPLETED

Received Aug-25-06 02:50pm

From-

To-NYC JOB REFERRAL PROG Page DD1

EX. E

Brotherhood of Carpenters and Joiners of America
 Referral/Dispatch Notice
 New York City & Vicinity District Council
 Issuing Affiliate - 4112

UBC00045

August 24, 2006 12:09:32 PM

45 CARPENTERS QUEENS

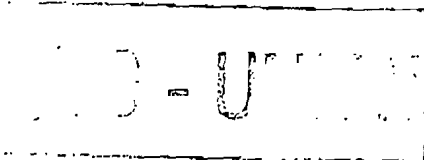
Data is not available

INFORMATION

Member ID : [REDACTED]
 Address : *****
 Phone : [REDACTED]
 Class : Member - Regular
 Skill : DRYWALL, FRAMING, UBC-CONSTR STEWARD SYSTEM

JOB INFORMATION

Employer : [REDACTED]
 Phone : [REDACTED]
 Job ID : [REDACTED]
 Job Name : [REDACTED]
 Job Site : [REDACTED]
 Sup/Foreman: [REDACTED]
 Steward : [REDACTED]
 Site Phone : [REDACTED]
 Site Fax : [REDACTED]
 Start Date : August 25, 2006 Time: 07:00 AM
 Who Called : [REDACTED]
 Other Info : [REDACTED]



ASSIGNED BUSINESS AGENT
 TO THIS JOB SITE _____
 BY: _____
 BUSINESS MANAGER: _____
 DATE _____

Ex. F

STATE OF NEW YORK - DEPARTMENT OF LABOR
LASER OPERATOR CERTIFICATE OF COMPETENCE

CLASS A
LOW INTENSITY MOBILE LASER

CERT#
EXPIRES
MUST BE CARRIED WHEN OPERATING LASER

OSHA

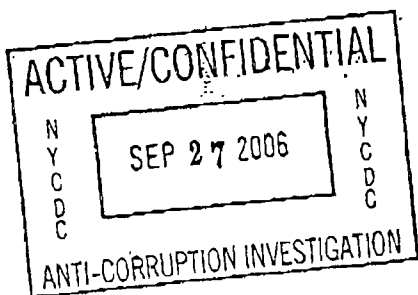
U.S. Department of Labor
Occupational Safety and Health Administration

has successfully completed a 10-hour Occupational Safety and Health
Training Course in

Construction Safety & Health

(Trainee)

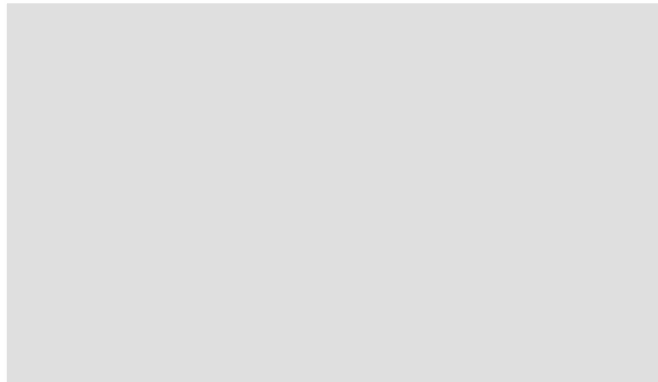
(Date)



Ex.G
2 pges.

SEP 27 2006 10:57AM

NO. 616 P. 3



ACTIVE/CONFIDENTIAL
NYC
DC
SEP 27 2006
NYC
DC
ANTI-CORRUPTION INVESTIGATION

ULTRA United Brotherhood of Carpenters and Joiners of America 14-Sep-2006
New York City & Vicinity District Council UBC04112

Member ID: [REDACTED] Aff : UBC00045
Queensvillage, NY

At Branch :
Name : [REDACTED]

Class : APPRENTICE Status : GOODSTANDG Date : 06/27/2000 Time: 6 yr 3 mo
Init Date: 06/27/2000 Birth : [REDACTED] Age : [REDACTED] Service: 6 yr 3 mo
Craft : CARPENTER Tax : 001 Sex : M Arrears Mos: 0
Balance: 5.00 CR Dues Paid Thru: 09/30/2006
Orig Init: 06/27/2000 Orig Aff : UBC00045 Fees : Lst Aff:
Prev Stat: Prev Date: Prev Tax:

Language : ENGLISH Send Mag : Y Phone : (631) 423-4606
Appr/Jour: EEOC : [REDACTED] Ctzn : Y Bargain Auth: Y
Supp Dues: N Pol Aff : OTR CLIC : N Dues Code Aff: UBC00045
Death : Pension : N Ever GO Off : Dues Group: AP
Employer : 8993 Employee#: Deduc: N 100% Emp Dues: N
Wrk Trade: Y Good Address: Y
Address : [REDACTED]
City : [REDACTED] State: [REDACTED] Zip: [REDACTED] Country: US
Funeral Donation Letter: Held Office: [REDACTED]

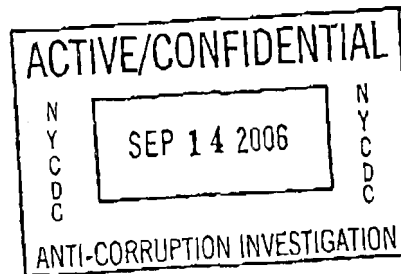
+-----+
| Next Notes History Finance Hist Alt Contact Refer Hist >> |
+-----+

<ESC>=Exit

Member Inquiry

<F2>=Back <F1>=Help

459
20-013-09-12-06



Ex. H